



south dakota
DEPARTMENT OF EDUCATION
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800 Governors Drive
Pierre, SD 57501-2235

T 605.773.3413
F 605.773.6846
www.doe.sd.gov

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SUBJECT: Free and Reduced Price Eligibility Carry-over in School Programs

NSLP – 99

TO: Authorized Representatives

FR: Child and Adult Nutrition Services

This information should be shared with the persons responsible for approval of applications for free and reduced price meals and others who are responsible for maintaining paper or electronic eligibility lists or who distribute meal tickets. The original should be placed in the numbered memo notebook from Child and Adult Nutrition Services (CANS). The memo is also available on the CANS website.

This memo is to clarify the provision on 30 day carry-over into the next school year for free and reduced-price eligibility and answer questions related to that.

Currently, the carry-over is optional as stated in 7 CFR 245.6(c): "...applications and documentation of direct certification from the preceding year **may** be used to determine eligibility only during the 30 operating days following the first operating day at the beginning of the school year, or during the timeframe established by the State agency, provided that any State agency timeframe does not exceed the 30 operating day limit."

Section 106 of Public Law 108-265, the Child Nutrition and WIC Reauthorization Act of 2004 added section 9(b)(9)(C) on duration of eligibility and requires that the eligibility for free or reduced price meals or free milk end "...on a date during the subsequent school year determined by the Secretary." Given the emphasis placed on prompt determinations and on ensuring access to program benefits, U.S. Department of Agriculture (USDA) will be revising the current regulations to require a carry-over of eligibility of up to 30 operating days into the subsequent school year. This applies to direct certification, categorical determinations and income applications. As in the past, a new eligibility determination in the current year supersedes the carryover eligibility. For example, if a student is determined eligible for reduced-price benefits for the new school year, the free meal eligibility for that student from the prior school year discontinues as soon as the household is notified of the new reduced-price eligibility.

USDA will be codifying the carry-over requirements in a rule has asked education agencies to proceed to adopt this provision now. South Dakota is adopting this change and all local education agencies should prepare to utilize the carryover beginning with the 2006-07 school year. Any new regulations or policies that come in before the start of the school year will be distributed immediately and will supersede this information.

Child and Adult Nutrition Services - DOE
Website: <http://doe.sd.gov/oess/cans/index.asp>
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In addition, it should be noted that direct certification generally supersedes an application for free and reduced price meals.

The eligibility from new applications for free or reduced price meals replaces the prior year's eligibility that has been carried over. The determining official should not wait until the number of days has passed to update everyone's eligibility.

After the number of days the local agency uses for the carry-over, children who are from households that have not turned in a new application for benefits or a direct certification letter need to be removed from their eligibility category and placed in the full-pay category until such time as the family turns in an application or direct certification letter or other documentation shows they are eligible (such as homeless).

Once a determination of eligibility has been made for a family, it generally carries forward through the whole school year. The requirement for reporting changes in household income and changes was removed with the reauthorization. If a household believes they are eligible for higher benefits (going from reduced to free) or had been previously ineligible, the household can reapply at any time.

Questions regarding this policy memo should be referred to Child and Adult Nutrition Services at 605-773-3413.